

## **REMARKS**

Claims 1-11 are pending in the application; claims 1-11 stand rejected; no amendments are made to the claims.

The following remarks are believed to be fully responsive to the final office action, and to render all the claims at issue patentably distinguishable over the cited references. Accordingly, because no new issues are raised, applicant submits that this response is in full compliance with Rule 116.

## **INFORMATION DISCLOSURE STATEMENT**

The examiner states that the information disclosure statement filed March 27, 2003 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP §609 because Korean Patent KR-1998-065748 lacks an English translation and two pages of the missing document, "Communication from Korean Intellectual Property Office dated March 13, 2003", lacks an English translation.

Enclosed herewith is an English translation for the communication from the Korean Intellectual Property Office dated March 11, 2003, 2 pages. The translation of the communication provides a description in English of KR 1998-065748. An English abstract of this document is not available.

## **CLAIM REJECTIONS – 35 U.S.C. §103**

Claims 1-11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over "Li" (US 6,040,243) in view of "Koh" (US 2001/0019891 A1) and further in view of "Liu" (US 6,177,347).

As admitted by the examiner, Li fails to teach or suggest selectively forming chemical enhancer layers on the portion of the second insulating film forming the bottom of the trench and on the portion of the lower metal layer forming the bottom of the via. The examiner also admits that Li fails to teach or suggest forming a copper layer on the chemical enhancer layers by means of chemical vapor deposition method.

To supplement these deficiencies in Li, the examiner relies upon Koh. However, Koh is not a prior art to the present application as Koh's U.S. filing date is December 15, 2000. The present application has a U.S. filing date of

June 6, 2001, but is based upon Korean Priority Application No. 2000-33980, filed on June 20, 2000.

The examiner has acknowledged the claim for foreign priority under 35 U.S.C. §119 and the receipt of the certified copies of the priority documents in his office action dated November 4, 2002. Enclosed herewith is a verified English translation of Korean Priority Application No. 1998-57884. Accordingly, the claim for priority under 35 U.S.C. §119 is perfected.

Under the provisions of 35 U.S.C. §119, the present application is accorded the benefit of the priority date of Korean priority application no. 2000-33980, filed on June 20, 2000. Koh, as relied upon by the examiner, has been filed in the U.S. Patent and Trademark Office on December 15, 2000. In view of the perfected priority date of the present application, Koh no longer qualifies as a statutory prior art under 35 U.S.C. §§102 and 103.

In absence of Koh as a prior art, Li and Lui fail to render obvious applicant's invention claimed in claims 1-11.

Applicant therefore respectfully submits that the rejection of claims 1-11 under the provisions of 35 U.S.C. §103(a) as being unpatentable over Li in view of Koh and further in view of Liu is improper due to disqualification of Koh as prior art. The examiner is therefore respectfully requested to withdraw the rejection of claims 1-11.

### **CONCLUSION**

In light of the above remarks, applicant submits that all pending claims currently presented are in condition for allowance. Accordingly, applicant respectfully requests that the examiner pass this case to issue. If the examiner believes that personal contact with applicant's representative would expedite prosecution of the application, she is invited to call the undersigned at her convenience.


The Commissioner is authorized to charge any fee deficiency required by this paper, or credit any overpayment, to Deposit Account No. 13-2855.

Respectfully submitted,

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By:

  
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